



Metropolitan King County Council Committee of the Whole

Agenda Item: _____

Date: February 7, 2005

Proposed No: 2004-0518

Prepared By: Doug Stevenson

STAFF REPORT

SUBJECT: A MOTION adopting the policy framework to guide the siting and permitting requirements for establishing temporary emergency homeless encampments on county-owned land and directing the executive to prepare a plan for the county's response to the committee to end homelessness's ten- year plan to end homelessness in King County.

SUMMARY: On January 24, 2004 the Committee of the Whole had a presentation and discussion of Proposed Motion 2004-0518 and Proposed Ordinance 2004-0519 at which time staff raised some technical issues and members raised other issues and suggestions. Councilmembers Edmonds and Hague asked staff to prepare striking amendments to both pieces of legislation. Striking amendments have been prepared. This staff report includes the original background and summary of Proposed Motion 2004-0518 and an explanation of the changes included in the proposed striking amendment to this motion.

BACKGROUND: On June 14, 2004, the King County Council established the Citizens' Advisory Commission on Homeless Encampments to explore issues of homelessness and the use of emergency encampments as temporary shelters.

The 22 member Commission was charged with developing recommendations on four specific topics:

- A needs assessment for homeless encampments;
- Policy and procedural guidelines for determining the location of future homeless encampments;
- Options for locating homeless encampments on public land in King County; and
- Options for locating homeless encampments on private land in King County.

The Commission held seven meetings, including two community meetings.

On September 7, 2004 the Commission briefed the King County Council on the Commission's findings. The Council adopted Motion 11991 directing the King County Executive to submit policies and procedures for locating and permitting homeless encampments.

On October 29, 2004, the Executive transmitted Proposed Motion 2004-0518 and Proposed Ordinance 2004-0519 in response to the Motion 11991. The proposed legislation was developed

in a process involving the Departments of Community and Human Services (DCHS) and Development and Environmental Services (DDES) and suburban city representatives.

Summary of the Original Proposed Motion 2004-0518

Proposed Motion 2004-0518 is intended to adopt siting and permitting policies and procedures for homeless encampments as called for in Motion 11991 . The proposed policies and procedures are included as an attachment to the proposed motion. The proposed motion also authorizes the executive to establish guidelines and criteria for an agreement with SHARE/WHEEL, the organization currently organizing temporary homeless encampments in King County, for the use of county-owned land in accord with the policies and procedures. Lastly, the proposed motion directs the executive to develop a long-term plan to end homelessness in King County and, therefore, eliminate the need for temporary homeless encampments within the next ten years and includes some further guidelines for the long term plan.

Proposed Motion 2004-0518 specifically addresses the process for siting and permitting temporary encampments on county-owned land. Proposed Ordinance 2004-0519 address the process for permitting temporary encampments on non-county owned land in unincorporated areas.

Summary of the Original Proposed Policies and Procedures

The executive proposes policies and procedures in three areas: 1) site selection, 2) operational parameters and requirements and 3) community notification.

Site Selection – The policies and procedures indicate encampments can be located on county-owned land or non-county-owned land in unincorporated areas provided that a special use permit is obtained from the King County Real Estate Services Section for temporary use of county-owned land or (by inference) a temporary use permit is obtained from DDES for use of non-county-owned land in unincorporated areas. If a proposed county-owned site is located in a city, the city must be notified and a city permit obtained, if required.

Operational Parameters and Requirements – These policies limit the number of residents to no more than 100 and the duration of each encampment to no more than three consecutive months at any one time and six months in any two year period. They also specify space, set-back and screening considerations and requirements as well as public health and safety requirements, including such things as screening to assure no residents have sex offense histories or outstanding warrants and enforcement of a code of conduct that prohibits alcohol and drug use, weapons, littering, disturbing neighbors, etc. By and large, these are the parameters and requirements that have been worked out between SHARE/WHEEL and the various jurisdictions where encampments have been located to date.

Community Notification—These policies require anyone wanting to use county-owned land to notify the local community at least 30 days prior to the beginning of any temporary encampment and to hold at least one community meeting. There are specific requirements regarding who is to be notified and what information is to be provided.

Technical Issues Raised in the January 24, 2004 Staff Report

There are several technical issues involving drafting errors and the need for clarification of language in the proposed motion and attached policies and procedures. The title of the motion indicates it is a motion adopting policies and procedures for siting and permitting temporary homeless encampments. These policies and procedures are included as an attachment, but the body of the motion does not include any language that actually adopts or approves the attachment. Instead it includes language authorizing the executive to develop guidelines and criteria for entering into an agreement with SHARE/WHEEL or other similar organizations for temporary homeless encampments and specifies that the agreements must include certain terms and conditions spelled out in the body of the motion. These are a portion of the terms and conditions also spelled out in the attached policies and procedures but not all of them. It would appear to be more appropriate to have all of the policy and procedure language in the attachment and to include language in the body of the motion to adopt the attached policies and procedures.

The confusion seems to have arisen because the executive saw the motion as the vehicle for specifying policies and procedures for the use of county-owned land and the ordinance as the vehicle for specifying policies and procedures for permitting the use of non-county owned land in unincorporated areas. The policies and procedures for siting and permitting these temporary encampments need to address both situations. It is particularly important that the policies regarding operating parameters and requirements are clearly applicable in both circumstances.

PROPOSED STRIKING AMENDMENT: At the direction of Councilmembers Edmonds and Hague, a striking amendment to Proposed Motion 2004-0518 has been prepared for council consideration. The striking amendment is accompanied by a title amendment and an amended attachment. The striking amendment corrects the technical problems noted above, responds to concerns and suggestions raised at the January 24th meeting and places greater emphasis on effort to help solve the problem of homelessness. The Citizen's Advisory Commission on Homeless Encampment's primary finding was that homeless encampments are not a real solution to homelessness but rather a current expedient due to the lack attention to affordable, permanent housing and the treatment and support services vulnerable people need to access and succeed in that housing.

The proposed **striking amendment**, therefore, makes the following changes:

- Language adopting the attached Policies and Procedures for Siting and Permitting Emergency Temporary Homeless Encampments on land under county jurisdiction is included in the body of the motion.
- Language is added to the body of the motion requiring that any permits or agreements allowing encampments on land under county jurisdiction adhere to the terms and conditions of the adopted policies and procedures.
- Specific policy and procedure language in the body of the original motion is removed and included in the attached policies and procedures.
- A one year moratorium is declared on the use of county-owned land during which time the Executive is directed to develop a plan to significantly increase, within 3 years, the placement and success of homeless persons in transitional and permanent housing options as part of the county's leadership role in implementing the Ten Year Plan to End Homelessness.

- The Executive is given further direction regarding how to proceed with the planning and implementation that moves the emphasis from immediate, stop gap efforts, to longer term solutions.

The amended **policies and procedures** include the following changes:

- The policies and procedures are now written to apply to any encampment that may be proposed to occur on land over which the county has some control or jurisdiction – both private land in the unincorporated area where the county has land use authority and county-owned land wherever it is located.
- References to SHARE/WHEEL as the encampment managing agency are removed in favor of the term “managing agency”.
- The word “local” has been added to the definition of a sponsoring agency, and the “managing agency” is required to have a “local sponsoring organization” (local church or other faith or community-based organization) for every encampment whether or not it is on the property of the local sponsoring organization. The local sponsoring organization and the managing agency must jointly apply for required use permits.
- The use of county-owned land is prohibited for 1 year following adoption of the policies and procedures. After the moratorium, county-owned land determined to be suitable based on the criteria included in these policies and procedures and lack of conflict with current or planned uses may be allowed via the special use permit process included in the original proposed policies and procedures.
- Policies have been included to encourage the organizers of encampments to plan ahead so that there is time to notify the communities involved and complete the siting and permitting procedures without emergencies. The number of residents and length of encampment will be reduced in the future if the organizers do not have agreements for sites beyond the immediate one in question.
- The maximum number of residents is reduced from 100 to 90. Beginning in 2006, the maximum number of residents will be reduced to 75 if the organizers are still only planning one site at a time.
- The duration of an encampment remains no more than 90 days, but return to a site is now limited to once every 2 years.

ATTACHMENTS:

- Executive Transmittal Letter dated October 29, 2004
- Proposed Motion 2004-0518
- Attachment A to 2004-0518: King County Policies and Procedures for Siting Emergency Temporary Homeless Encampments
- Title Amendment to Proposed Motion 2004-0518
- Striking Amendment to Proposed Motion 2004-0518
- Amended Attachment A to Proposed Motion 2004-0518 dated 2/3/05